

3. The USACE, the agency responsible for drafting the necessary legal descriptions and surveys, provided an expected (or estimated) date of completion by November 8, 2019.

4. Thus, during the status conference on October 21, 2019, the United States endorsed a deadline for the filing of a second amended declaration of taking by December 1, 2019.³ Subsequently, the Court issued a deadline for the United States to file a second amended declaration of taking by December 2, 2019.⁴

5. The USACE provided drafts of the legal descriptions and proposed surveys for the Subject Property on or about November 18, 2019, and the government's review process of the second amended declaration of taking began immediately.

6. The government's review process for a declaration of taking or an amended declaration of taking involves an extensive multi-agency review.

7. It was determined during the review process that the proposed surveys did not sufficiently identify the land being acquired because the proposed surveys lacked reference points to confirm the boundaries of the acquired land on the ground. *Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions* (2016) 1.4, 4.4.

8. The USACE made several revisions to the proposed surveys, but by November 25, 2019, it became clear that additional revisions were needed and the United States was not going to be able to make its December 2, 2019, deadline. Had the United States filed the second amended declaration of taking by the deadline with the surveys as drafted, a subsequent declaration of taking would have been necessary to later clarify the surveys' deficiencies.

³ Minute Entry dated October 21, 2019; Dkt. Nos. 104, 1 ¶ 2 and 111, 2 ¶ 1.

⁴ Dkt. No. 104.

9. On November 26 and 27, 2019, the United States conferred with all Defendants before filing a motion requesting additional time mid-morning on November 27, 2019.⁵

Dated this 10th day of January, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 10, 2020, a copy of the foregoing was electronically filed in the CM/ECF system, which will automatically serve a Notice of Electronic Filing on counsel of record, and by regular U.S. mail to all *pro se* Defendants listed in this cause.

By: *s/ Megan Eyes*
MEGAN EYES
Assistant United States Attorney

⁵ Dkt. No. 108.